

### **Remarks**

This Amendment is submitted in response to the office action mailed October 28, 2004, in connection with the above-identified application (hereinafter, the "Office Action"). The Office Action provided a three-month shortened statutory period in which to respond, ending on January 29, 2005. Accordingly, this Amendment is timely submitted.

Claims 1 through 10 are currently pending. Applicants respectfully request that Claims 1 through 9 be cancelled without prejudice. Applicants reserve the right to prosecute said Claims in a subsequent application. Applicants respectfully request the entry of the amendment to Claim 10 and new Claims 11 through 15. Applicants respectfully submit that the amendments to the pending claim and new claims do not introduce any new matter. Applicants also respectfully request that the amendments made to drawings be entered.

### **Restriction / Election**

The Examiner states that the application contains claims directed to three patentably distinct species of the claimed invention: Species 1 (FIGS. 1 through 4); Species 2 (FIGS. 5 through 7) and Species 3 (FIGS. 8 through 11).

Applicants respectfully elect to prosecute the invention of Species III (FIGS. 8 through 11), Claim 10. Applicants respectfully request that Claims 1 through 9 be cancelled without prejudice.

### **Drawings Objections**

The Examiner objects to the following in the drawings:

- (1) FIG. 2, reference numeral "118" has not been described in the specification.
- (2) FIG. 5, reference numerals "212" and "215" have not been described in the specification.
- (3) FIG. 6, reference numerals "215", "218" and "220" have not been described in the specification,
- (4) FIG. 7, reference numeral "217" has not been described in the specification.
- (5) FIGS. 8-10, reference numeral "312" has not been described in the specification.

Applicants respectfully request that the amendment to the third full paragraph on page 4 of the Specification be amended to include the description of reference numeral "118".

Applicants respectfully request that the reference numerals "212", "215", "218", "217", "220" and "312" be deleted from the respective FIGS. in which they appear.

Accordingly, Applicants have provided 3 replacement sheets reflecting the changes described above.

Accordingly, Applicants have provided 3 replacement sheets reflecting the changes described above.

Thus, Applicants respectfully submit that the objection the drawings has been overcome.

### Rejections under 35 U.S.C. § 102

Claim 1 through 10 are rejected as being anticipated by U.S. Patent No. 4,610,087 to Mickelson et al (hereinafter "*Mickelson*") under 35 U.S.C. § 102(b) and as being anticipated by U.S. Patent Application Publication No. 2003/0236556 to Dickerson, (hereinafter "*Dickerson*") under 35 U.S.C. § 102(e).

Applicants respectfully submit that Claims 1 through 9 have been cancelled without prejudice, and the rejections with respect to those claims are rendered moot. Applicants respectfully submit that amended Claim 10 includes a "mouth guard connected between said transport portion and handle portion" of the feeding implement.

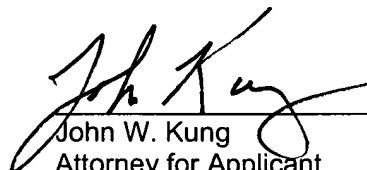
*Mickelson* discloses an eating utensil, for example, a fork, spoon or dinner knife for use in a correctional institution. Nothing in *Mickelson* discloses a feeding implement that includes a mouth guard. Furthermore, *Mickelson* fails to teach or suggest a feeding implement in which "each substantially flat surface" has "a plurality of grooves located thereon. Thus amended Claim 10 is not anticipated by *Mickelson*.

*Dickerson* discloses an infant teething device having a teething portion and a collar. However, nothing in *Dickerson* discloses a mouth guard that is connected between a transport portion and a handle portion. Thus, amended Claim 10 is not anticipated by *Dickerson*.

Thus, in view of the foregoing arguments Applicants respectfully request that these rejections under 35 U.S.C. § 102 are overcome. Furthermore, Applicants respectfully request reconsideration of the present application. If a telephone interview would be of assistance in advancing the prosecution of this application, Applicants' undersigned attorney invites the Examiner to telephone him at the telephone number provided below.

Respectfully submitted,

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Date: 12/8/2004